

packages at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 24, 1931, by the Crown Products Corporation, Sacramento, Calif., to Albuquerque, N. Mex., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Gilt Edge Apple Cider Vinegar diluted to 4.0% acid strength. Crown Products Corp., San Francisco, U. S. A."

It was alleged in the libel that the article was deficient in acidity and was adulterated and misbranded. Misbranding was more specifically alleged in the libel for the reason that the statement on the label, "Apple Cider Vinegar diluted to 4.0% acid strength," was false and misleading and deceived and misled the purchaser.

On May 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be donated to a charitable institution for its own use and not for sale.

HENRY A. WALLACE, *Secretary of Agriculture.*

19812. Alleged adulteration of scallops. U. S. v. Arley G. Sterling and Wilson B. Sterling (A. G. Sterling Co.). Tried to a jury. Verdict of not guilty. (F. & D. No. 26656. I. S. No. 20325.)

This action was based on the interstate shipment of a quantity of scallops, samples of which were found to contain a greater amount of water than is normal to scallops.

On October 29, 1931, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arley G. Sterling and Wilson B. Sterling, copartners trading as the A. G. Sterling Co., Morehead City, N. C., alleging shipment by said defendants in violation of the food and drugs act on or about March 10, 1931, from the State of North Carolina into the State of New York, of quantities of scallops that were alleged to be adulterated.

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the said article; and for the further reason that scallop solids, a valuable constituent of the article, had been, in part, abstracted.

On April 13, 1932, the case came on for trial before the court and a jury. After hearing the evidence introduced on behalf of the Government and the defendant, the jury returned a verdict of not guilty..

HENRY A. WALLACE, *Secretary of Agriculture.*

19813. Misbranding of prepared mustard and peanut butter. U. S. v. 14 Cases of Mustard, et al. Product ordered released under bond. (F. & D. Nos. 28011, 28012. I. S. Nos. 52341, 52342. S. No. 6068.)

This case involved the interstate shipment of quantities of prepared mustard and peanut butter. Sample jars of both products were found to contain less than the declared weight.

On April 15, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of prepared mustard and 24 cases of peanut butter at Flint, Mich., alleging that the articles had been shipped in interstate commerce on or about March 28, 1932, by the Sure Good Foods (Inc.), from Chicago, Ill., to Flint, Mich., and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Oh Sam Net Wt. 2 Lbs. Prepared Mustard [or "Peanut Butter"] * * * Central Whol. Co., Inc., Flint, Mich."

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "Net Wt. 2 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On May 18, 1932, the violation of the law having been admitted by the sole claimant, and a bond having been executed and filed conditioned that the product, if released, would not be sold or disposed of until brought into com-

pliance with the provisions of the law, judgment was entered ordering that the goods be delivered to the manufacturer, the Sure Good Foods (Inc.), Chicago, Ill.

HENRY A. WALLACE, *Secretary of Agriculture.*

19814. Adulteration and misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. 6551-A, 6556-A, 6557-A, 6605-A. F. & D. Nos. 28289, 28315, 28316, 28317.)

These actions involved the interstate shipment of several lots of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On April 25 and April 27, 1932, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 68 cases of butter at Memphis, Tenn., alleging that the article had been shipped by the Elsass Creamery Co., from Rector, Ark., on various dates from April 15 to April 21, 1932, inclusive, and had been transported in interstate commerce from the State of Arkansas into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Monogram Creamery Butter * * * The Cudahy Packing Co."

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement, "Butter" was false and misleading when applied to a product deficient in butterfat.

On May 27, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19815. Adulteration of pecans. U. S. v. 300 Bags of Pecans. Product released under bond to be sorted, and bad portion destroyed. (F. & D. No. 27928. I. S. No. 53936. S. No. 5970.)

Samples of nuts taken from the shipments involved in this action were found to be wormy, decomposed, and moldy.

On March 18, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bags of pecans at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about March 11, 1932, by H. L. Cromartie, from Albany, Ga., to East St. Louis, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

The F. W. Woolworth Co., East St. Louis, Ill., filed a claim and answer praying release of the product, and tendered its bond in the sum of \$1,500, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act. On May 4, 1932, the court approved the bond and ordered that the product be delivered to the claimant or its agent to be shelled under the supervision of this department, the shelled meats graded, and the unfit portion destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19816. Adulteration of apples. U. S. v. 630 Boxes, et al., of Apples. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28307, 28308. I. S. Nos. 52972, 52974. S. Nos. 6048, 6057.)

Arsenic was found on apples taken from the interstate shipments involved in these actions.

On April 5 and April 6, 1932, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,265 boxes of apples, remaining in the original unbroken packages, in part at Minneapolis, Minn., and in part at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 24